The Declaration
And Votes
Of both Houſes of Parliament.

Concerning the Magazine at *Hull*; And Sir *John Hotham*.

With the Order of Aſſiſtance.

And His Majeſties Anſwer thereunto.

With the Statute of 11. *Hen.* 7. Cap. 1.

YORK:
Printed by ROBERT BARKER, Printer to the Kings moſt Excellent Majeſtie: And by the Aſſignes of JOHN BILL.
1642.

¶ The Declaration and Votes of both Houſes of Parliament.

Concerning the Magazine at *Hull*, and Sir *John Hotham* Governour thereof.

THe Lords and Commons in Parliament finding iuſt cauſe to fear, not only the deſperate deſignes of Papiſts, and others of the malignant party at home, but alſo the malice of Enemies, incited by them from abroad, Thought it neceſſary for the ſafety of this Kingdom, to ſecure the Town of *Kingſton* upon *Hull*, being one of the moſt conſiderable places for ſtrength, and affording the beſt conveniency for Landing of forraign Forces; And where a great part of the Magazine of the Kingdom for that time was placed; And for that end

appointed Sir *John Hotham*, one of the Members of the Houſe of Commons, being a Gentleman of the ſame County, of a conſiderable fortune, and approved integrity, to take upon him the government of that Town, and to draw thither ſome of the trained Bands for the guard thereof: In which apprehenſion and reſolution thereupon taken, they are the more confirmed by the ſight of ſome intercepted Letters of the Lord *Digby* (a principall perſon of that party) written to the Queen and Sir *Lewis Dives*, whereby that party diſcovered an endeavour to perſwade his Majeſtie to declare Himſelf, and retire into ſome place of ſafety in this Kingdom, in oppoſition to wayes of accommodation with his people; And to give the better opportunity to himſelf, and other dangerous perſons to reſort thither; which could have no other end but to incline his Maieſtie to take Arms againſt his Parliament and good Subiects, and miſerably to imbroile this Kingdom in civill Wars.

About

About which time Captain *Legg* (a man formerly imployed in the practice of bringing up the Army againſt the Parliament) had direction, by Warrant produced by him, under the Kings hand and ſigne Manuall, to enter *Kingſton* upon *Hull*, and to draw thither ſuch of the trained Bands as he ſhould think fit: And that the Earle of *Newcaſtle* came thither in a ſuſpicious way, and under a feigned name, and did endeavour to poſſeſſe himſelf of the ſaid Town, by vertue of the like Warrant and Authoritie.

They further conceiving, That the Magazine there being of ſo great importance to this Kingdom, would be more ſecure in the Tower of *London*, did humbly Petition his Majeſtie to give His conſent the ſame might be removed, which notwithſtanding his Majeſtie did refuſe; And thereupon ſome few ill-affected perſons about the City of *York*, took upon them the preſumption, in oppoſition to the deſires, and in contempt of both Houſes, to Petition his Majeſtie, to con-

tinue the Magazine at *Hull*, Alleadging it to be for the ſafety of his Maieſtie (as if there could be a greater care in them of his Maieſties Royall Perſon, then in his Parliament) And his Maieſtie, the next day after the delivery of that Petition, being the three and twentieth of this inſtant April, took occaſion thereupon to go to the Town of *Hull*, attended with about four hundred Horſe (the Duke of *York*, and the Prince Elector being gone thither the day before) and required Sir *Iohn Hotham* to deliver up the Town into His hands: Who perceiving his Maieſty to be accompanied with ſuch Force as might have maſtered the Garriſon of the Town; And having received intelligence of an intention to deprive him of his life, in caſe the King ſhould be admitted, informed his Maieſtie of the truſt repoſed in him by both Houſes of Parliament, and that he could not, without breach of that truſt, let Him in; beſeeching his Maieſtie to give him leave to ſend to the Parliament, to acquaint them with his Maieſties commands,

mands, and to receive their Directions thereupon, which he would do with all expedition. Which Anſwer his Maieſtie was not pleaſed to accept of; but preſently cauſed him and his Officers to be proclaimed Traitors before the Walls of the Town, and thereupon diſpatched a Meſſage to both Houſes, therein charging Sir *Iohn Hotham* with high Treaſon, and aggravating his offence, becauſe he pretended the Parliaments command: (In the mean while hindring him of all means of intelligence with the Parliament) For his Maieſtie immediately cauſed all Paſſages to be ſtopped between him and them; And in purſuance of the ſame, one of his ſervants, who was ſent by him with Letters to the Parliament, to inform them of the truth of thoſe proceedings, was apprehended, his Letters taken from him, and his perſon deteined, whereby (contrary to the common liberty of every Subiect) he was not onely deprived of means to clear himſelf of that heavy Accuſation, but of all wayes of intercourſe, either to receive

receive directions from them that truſted him, or to inform them what had happened.

The Lords and Commons finding the ſaid proceedings to be a high violation of the *P*riviledges of *P*arliament, of which his Maieſtie had in ſeverall Meſſages expreſſed himſelf to be ſo tender; A great Infringement of the Liberty of the Subiect, and the Law of the Land, which his *M*aieſtie had ſo often lately profeſſed ſhould be the Rule to govern by, and tending to the endangering of his *M*aieſties *P*erſon and the Kingdoms peace; Thought fit, as well for the vindication of their own Rights and *P*riviledges, the Indemnity of that worthy *P*erſon imployed by them, as for the cleering of their own proceedings, to publiſh theſe enſuing Votes, which were made upon a former Relation that came from the King.

Die

Die Martis 26. April. 1642.

Reſolved upon the Queſtion.

THat Sir *Iohn Hotham* Knight, according to this Relation, hath done nothing but in Obedience to the Command of both Houſes of Parliament.

Reſolved upon the Queſtion.

That this declaring of Sir *Iohn Hotham* Traitor, being a Member of the Houſe of Commons, is a high breach of the Priviledge of Parliament.

Reſolved upon the Queſtion.

That this declaring of Sir *Iohn Hotham* Traitor, without due Proceſſe of Law, is againſt the Liberty of the Subject, and againſt the Law of the Land.

ORdered by the Lords and Commons in Parliament, That theſe Votes ſhall be printed, and ſent to the Sheriffs and Juſtices of the Peace, to be publiſhed in all the Market Towns of the Counties of York and Lincoln.

Io. Browne Cler. Parl.

The Order of Aſsiſtance given to the Committees of both Houſes, concerning their going to Hull. 28 April. 1642.

WHereas the Earle of *Stamford*, the Lord *Willoughby* of *Parham*, Sir *Edward Ayſcoghe*, Sir *Chriſtopher Wray*, Sir *Samuel Owfield*, and Maſter *Hatcher*, are by the Lords and Commons in Parliament aſſembled, commanded to make their repair into the Counties of *York* and *Lincoln*, and the Town of *Kingſton* upon *Hull*, for ſpeciall Service for His Majeſtie, and the Peace

Peace and Safety of the Kingdom, and accordingly have received particular Inſtructions for their better Direction therein; Theſe are to require all Lords Lieutenants, and their Deputies, Sheriffs, Juſtices of the Peace, Majors, Bailiffs, Conſtables, and all other His Majeſties Officers and loving Subjects, to be aiding and aſsiſting unto them upon all occaſions, as need ſhall require.

Die Jovis 28. April. 1642. *p. m.*

Ordered by the Lords and Commons in Parliament, That the aboveſaid Order ſhall be forthwith printed and publiſhed.

Jo. Browne Cler. Parl.

DIEV ET MON DROIT

HIS MAJESTIES ANSWER

To the Declaration of both Houſes concerning *Hull.*

Sent 4. May 1642.

SInce Our gracious Meſſage of the 24. of Aprill laſt to both Houſes of Parliament (demanding Juſtice for that high and unheard of affront offered unto Us at the Gates of Hull, by Sir John Hotham) is not thought worthy of an Anſwer, but that in ſtead thereof, they haue thought fit, by their printed Votes of the 28. of Aprill laſt, to own and

avow that unparalleled act of Sir John Hothams to be done in Obedience to the Command of both Houses of Parliament (though at that time he could produce no such Command) and with other Resolutions against Our Proceedings there, to publish a Declaration concerning that Businesse, as an Appeal to the People, and as if their intercourse with Us, and for Our satisfaction, were now to no more purpose; though We knew this course of theirs to be very unagreeable to the Modesty and Duty of former times, and unwarrantable by any Presidents, but what themselves have made, yet We are not unwilling to joyn issue with them in this way, and to let all the World know, how Necessary, Just, and Lawfull all Our Proceedings have been in this point; and that the defence of these Proceedings is the defence of the Law of the Land, of the

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Liberty and Property of the Subject, and that by the ſame Rule of Juſtice, which is now offered to Us, all the private Intereſt and Title of Our good Subjects to all their Lands and Goods are confounded and deſtroyed: Maſter Pym himſelf tells you, in his Speech againſt the Earle of Strafford (publiſhed by the Order of the Houſe of Commons) The Law is the ſafegard, the cuſtody of all private Intereſts; your Honours, your Lives, your Liberties, and Eſtates, are all in the keeping of the Law; without this every man hath a like Right to any thing: And We would fain be anſwered, what Title any Subject of Our Kingdom hath to his Houſe or Land, that We have not to Our Town of Hull? or what Right hath he to his Money, Plate, or Jewels, that We have not to Our Magazine or Munition there? If We had ever ſuch a Title, We would know when We

loſt

loſt it: And if that Magazine and Munition (bought with Our own Money) were ever Ours, when and how that Property went out of Us: We very well know the great and unlimited Power of a Parliament, but We know, as well, that it is onely in that ſenſe, As We are a Part of that Parliament; without Us, and againſt Our Conſent, the Votes of either, or both Houſes together, muſt not, cannot, ſhall not (if We can help it, for Our Subjects ſake, as well as Our own) forbid any thing that is enjoyned by the Law, or enjoyn any thing that is forbidden by the Law; but in any ſuch Alteration, which may be for the Peace and Happineſſe of the Kingdom, We have not, ſhall not refuſe to conſent: And We doubt not, but that all Our good Subjects will eaſily diſcern, in what a miſerable inſecurity and confuſion they muſt neceſſarily

ceſſarily and inevitably be, if Deſcents may be altered, Purchaſes avoided, Aſſurances and Conveyances cancelled, the Soueraign legall Authority deſpiſed and reſiſted, by Votes or Orders of either, or both Houſes: And this we are ſure is Our Caſe at Hull; And as it is Ours to day, by the ſame Rule it may be theirs to morrow.

Againſt any deſperate Deſignes of the Papiſts, we have ſufficiently expreſſed Our Zeal and Intentions, and ſhall be as forward to adventure Our own Life and Fortune to oppoſe any ſuch Deſignes, as the meaneſt Subject in Our Kingdom.

For the Malignant Party, As the Law hath not, to Our knowledge, defined their Condition, ſo hath neither Houſe preſented them to Us under ſuch a Notion as We may well underſtand whom they intend, and We ſhall therefore onely

enquire after, and avoid the Malignant partie, under the Character, as Persons dis-affected to the Peace and Government of the Kingdom; and such (Who neglecting and despising the Law of the Land) have given themselves other Rules to walk by, and so dispence with their Obedience to Authority; of these Persons (as destructive to the Common wealth) We shall take all possible Caution.

Why any Letters intercepted from the Lord Digby (Wherein he mentions a Retreat to a place of Safety) should hinder Us from visiting Our own Fort, and how We have opposed any Wayes of accommodation with Our Parliament, and What Wayes and overtures have been offered in any Way, or like any desire of such accommodation; or Whether Our Message of the twentieth of January last, so often in vain pressed by Us, have not

not sufficiently expressed Our earnest desire of it, let all the World judge: Neither is it in the power of any person to encline Us to take Arms against Our Parliament and Our good Subjects, and miserably to embroil this Kingdom in civill wars; We have given sufficient evidence to the World, how much Our Affections abhor, & Our Heart bleeds at the apprehension of a civill War: And let God and the World judge, If Our Care and Industry be onely to defend and protect the Liberty of the Subject, the Law of the Kingdom, Our own just Rights (part of that Law) and Our Honour (much more precious then Our Life) and, if in opposition to these, any civill wars shall arise, upon whose accompt the blood and destruction that must follow must be cast: God and Our own Conscience tells Us that We are cleer.

For Captain Leggs being sent heretofore to Hull (though, by the way, this is the first time We ever heard that he was accused for the practice of bringing up the Army against the Parliament, neither do We yet know that there is such a charge against him) or for the Earle of New Castles being sent thither by Our Warrant and Authority, we asked a question long ago in Our Answer to both Houses concerning the Magazine at Hull, which we have just cause to think is not easie to be answered, why the generall Rumour of the Design of Papists, in the Northern parts, should not be thought sufficient ground for Us to put in such a Person of Honour, Fortune, and unblemished Reputation, as the Earle of New Castle is known to be, into a Town and Fort of Our own, where Our own Magazine lay, and yet the same Rumour be Warrant enough

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to commit the ſame Town and Fort, Without Our conſent, to the hands of Sir John Hotham, With ſuch a power, as is now too well known and underſtood: How Our Refuſall to have that Magazine removed, upon the Petition of both Houſes, could give an advantage againſt Us to have it taken from Us, and whether it was a Refuſall, all men will eaſily underſtand who reade Our Anſwer to the Petition; to which it hath not been yet thought fit to make any Reply.

For the condition of thoſe Perſons who preſented the Petition to Us at York (Whom that Declaration calls, Some few ill-affected Perſons about the City of York) to continue the Magazine at Hull, we make no doubt but that Petition will appear to be atteſted both in Number and Weight by Perſons of Honour and Integrity, and

much more conversant with the Affections of the Whole County, then most of those Petitions which have been received with so much consent and approbation. And for their presumption of interposing their Advice, We the more wonder at that exception, When such encouragement hath been given, and thanks declared to multitudes of mean, unknown people, Prentices and Porters, who have accompanied Petitions of very strange natures.

For the manner of Our going to Hull, We have cleerly set forth the same in Our Message to both Houses of that Businesse: And for any Intelligence given to Sir Iohn Hotham, of an intention to deprive him of his life, As We know there was no such intention in Us, having given him all possible assurance of the same at Our being there, so We are confident no such Intelligence

was given, or if it were, it was by some Villain, who had nothing but malice, or designe to fright him from his due Obedience to Warrant him: And Sir John Hotham had all the reason to assure himself that his life would be in much more danger, by refusing to admit his King into his own Town and Fort, then by yeelding him that Obedience which he owed by his Oaths of Allegiance and Supremacy, and the Protestation, and, he well knew, was due and Warrantable by the Laws of the Land.

For the number of Our Attendants (though that could be no Warrant for such a disobedience in a Subject) it is well known (as we exprest in Our Message to both Houses, to which credit ought to have bin given) That we offered to go into the Town with twenty Horse onely; Our whole Train being unarmed: and Whosoever thinks

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that too great an Attendance for Our Self and Our two Sons, have sure an intention to bring Us to a meaner Retinue then they yet will avow.

Here is then Our case, of which let all the World judge; We endeavoured to visit a Town and Fort of Our own, wherein Our own Magazine lay, a Subject, in defiance of Us, shuts the gates against Us, with armed men Resists, Denies, and Oppoſes Our entrance, tells Us in plain terms, We shall not come in. We do not pretend to understand much Law, yet in the point of Treason, We have had much learning taught Us this Parliament; and if the sense of the Statute of 25. Ed. 3. cap. 2. be not very differing from the Letter, Sir John Hothams Act was no lesse then plain high Treason; And We had been contemptibly stupid, if We had (after all those Circumstances of

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grace and favour then shewed him) made any scruple to proclaim him Traitor, and whether he be so, or no, if he shall render himself, We will require no other triall, then that which the Law hath appointed to every Subject, and which We are confident We have not (in the least degree) in these proceedings violated, no more then We have done the Priviledge of Parliament, by endeavouring, in a just way, to challenge Our own unquestionable Priviledges. For that, in such a case, the declaring him Traitor, being a Member of the House of Commons, without Processe of Law, should be a breach of Priviledge of Parliament (of which, We are sure none extends to Treason, Felony, or breach of the Peace) against the Libertie of the Subject, or against the Law of the Land, We must have other Reasons, then bare Votes. We would know, if Sir

John Hotham had (with those Forces by which he kept Us out of Our Town of Hull) pursued Us to the Gates of York (which he might as legally have done) must we have staid from declaring him Traitor, till Processe of Law might have issued against him: Will Fears and Jealousies dispence with reall and necessary Forms, and must We, when actuall War is levied upon Us, observe Forms, which the Law it self doth not enjoyn: The Case is truly stated, let all the World judge (unlesse the meer sitting of a Parliament doth suspend all Laws, and We are the onely Person in England, against whom Treason cannot be committed) where the fault is; And whatsoever course We shall be driven to for the vindication of this Our Birthright, and for the recovery and maintenance of Our known and undoubted Rights, We do promise in the presence

ſence of Almighty God, and as we hope for his bleſſing in Our Succeſſe, That we Will, to the utmoſt of Our Powers, defend and maintain the true Proteſtant Profeſſion, the Law of the Land, the Liberty of the Subject, and the juſt Priviledge and Freedom of Parliament.

For the Order of Aſſiſtance, given to the Committees of both Houſes, concerning their going to Hull, We ſhall ſay no more, but that thoſe Perſons named in that Order, we preſume, Will give no Commands, or Our good Subjects obey other then What are warranted by the Law (how large and unlimited ſoever the directions are, or the inſtructions may be) for to that Rule we ſhall apply Our own Actions, and by it require an accompt from other Men. And that all Our good Subjects may the better know their Duty in

matters of this nature, We wish them carefully to peruse the Statute made in the eleventh yeer of H. 7. cap. 1. We conclude With Master Pyms own Words, If the Prerogative of the King overwhelm the Liberty of the People, it will be turn'd to Tyranny; if Liberty undermine the Prerogative, it will grow into Anarchy,

and so we say, Into Confusion.

Statut. 11. Hen. 7. cap. 1.

None that ſhall attend upon the King, and do him true ſervice, ſhall be attainted, or forfeit any thing.

THe King our Soveraign Lord, calling to his remembrance the duty of Allegiance of his Subjects of this his Realm, and that they, by reaſon of the ſame, are bound to ſerve their Prince and Soveraign Lord, for the time being in his Wars, for the defence of him and the land, againſt every rebellion, power, and might reared againſt him, and with him to enter and abide in ſervice in Battel, if caſe ſo require; and that for the ſame ſervice what fortune ever fall by chance in the ſame battel againſt the

minde and will of the Prince, (as in this land ſometime paſſed hath been ſeen) that it is not reaſonable, but againſt all Laws, reaſon and good conſcience, that the ſaid Subjects going with their Soveraign Lord in wars, attending upon him in his Perſon, or being in other places by his commandment, within this Land or without, any thing ſhould loſe or forfeit for doing their true duty and ſervice of Allegiance. It be therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from hence forth no manner of perſon or perſons, whatſoever he or they be, that attend upon the King and Soveraign Lord of this Land for the time being, in his Perſon, and do him true and faithfull ſervice of Allegiance in the ſame, or be in other places by his commandment in his wars, within this Land or without: that for the ſaid deed & true duty of Allegiance, he or they be in

No perſon that ſhall attend upon the King, and do him true ſervice, ſhall be attainted therefore of Treaſon, or any other offence.

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no wiſe convict or attaint of high Treaſon, ne of other offences for that cauſe, by Act of Parliament, or otherwiſe by any proceſſe of Law, whereby he or any of them ſhall loſe or forfeit life, lands, tenements, rents, poſſeſſions, hereditaments, goods, chattels, or any other things: but to be for that deed and ſervice utterly diſcharged of any vexation, trouble, or loſſe. And if any Act or Acts, or other Proceſſe of the Law hereafter thereupon for the ſame happen to be made contrary to this Ordinance, that then that *Act* or *Acts* or other Proceſſe of the Law, whatſoever they ſhall be, ſtand and be utterly void. Provided alway, that no perſon or perſons ſhall take any benefit or advantage by this *Act*, which ſhall hereafter decline from his or their ſaid Allegiance.

FINIS.